

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:18-cv-01552-CJC-MAA Date: February 4, 2019

Title Rendon vs. Frauenheim

Present: The Honorable: MARIA A. AUDERO, U.S. Magistrate Judge

Cheryl L. Wynn
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Petitioner:
N/A

Attorneys Present for Respondent:
N/A

Proceedings (In Chambers): Order to Show Cause Why This Action Should Not Be Dismissed

On July 18, 2018, Petitioner constructively filed a petition for a writ of habeas corpus. (“Petition,” ECF No. 1.) The Petition raises two grounds for federal habeas relief: (1) ineffective assistance of trial counsel; and (2) sentencing error pursuant to California Penal Code § 667.6(d). Observing that the face of the Petition does not indicate that Ground One had been presented to the California Supreme Court, the Court issued an order on November 29, 2018 inviting Petitioner to elect one of four options to proceed with his habeas action within thirty days after service of the order. (ECF No. 10, at 2.) The Court cautioned Petitioner that failure to take action would result in a recommendation of dismissal of this action for failure to prosecute and failure to exhaust state remedies. To date, Petitioner has not filed a response to the November 29 order.

Petitioner is **ORDERED TO SHOW CAUSE** why this action should not be dismissed for failure to prosecute and failure to exhaust state remedies. Petitioner shall file a written response to this order to show cause no later than **March 4, 2019**. Alternatively, this order to show cause will be discharged automatically if Petitioner elects one of the four options given in the November 29 order. **Failure to respond to this Order to Show Cause will result in a recommendation to the District Judge that this action be dismissed without prejudice.**

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The Clerk is directed to attach a copy of the Court's order of November 29, 2018 (ECF No. 10) to this order.

It is so ordered.

Attachment:

November 29, 2018 Order (ECF No. 10)

Initials of Preparer cw